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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA

18 CHARMAINE CHUA, ET AL.

19 PLAINTIFFS,

20 VS.

21 CITY OF LOS ANGELES, ET
22 AL.,

23 DEFENDANTS.

CASE No: 2:16-cv-00237-JAK-GJS(x)
[HON. JOHN A. KRONSTADT]

DECLARATION OF RICHARD M.
PEARL IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES
AND COSTS

HEARING DATE: MARCH 16, 2020
HEARING TIME: 8:30 A.M.
COURTROOM: 10B

DECLARATION OF RICHARD M. PEARL

1
2 1. I am a member in good standing of the California State Bar. I am in
3 private practice as the principal of my own law firm, the Law Offices of Richard M.
4 Pearl, in Berkeley, California. I specialize in issues related to court-awarded
5 attorneys' fees, including the representation of parties in fee litigation and appeals,
6 serving as an expert witness, and serving as a mediator and arbitrator in disputes
7 concerning attorneys' fees and related issues. In this case, I have been asked by
8 Plaintiffs' counsel to render my opinion on the reasonableness of the hourly rates
9 they are requesting in this matter.¹

10 2. I make this Declaration in Support of the Plaintiffs' Motion for
11 Reasonable Attorneys' Fees. To form my opinions, I have discussed this matter with
12 Barry Litt and Carol Sobel and reviewed counsel's qualifications and experience as
13 well as various materials that demonstrate the nature of the work required by this
14 case and the hourly rates requested.

My Background and Experience

15
16
17 3. Briefly summarized, my background is as follows: I am a 1969
18 graduate of Boalt Hall (now Berkeley) School of Law, University of California,
19 Berkeley, California. I took the California Bar Examination in August 1969 and
20 passed it in November of that year, but because I was working as an attorney in
21 Atlanta, Georgia for the Legal Aid Society of Atlanta (LASA), I was not admitted to
22 the California Bar until January 1970. I worked for LASA until the summer of 1971,
23 then went to work in California's Central Valley for California Rural Legal
24 Assistance, Inc. (CRLA), a statewide legal services program. From 1977 to 1982, I

25 _____
26 ¹ I understand that, under the terms of the settlement agreement, Plaintiffs' counsel will not
27 receive the full hourly rates they are using, but they are nonetheless using the rates I address as
28 their reasonable hourly rates.

1 was CRLA's Director of Litigation, supervising more than fifty attorneys. In 1982, I
 2 went into private practice, first in a small law firm, then as a sole practitioner.
 3 Martindale Hubbell rates my law firm "AV." I also have been selected as a Northern
 4 California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, 2010,
 5 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019. A true and correct copy
 6 of my Resume is attached as Exhibit A.

7 4. Since 1982, my practice has been a general civil litigation and appellate
 8 practice, with an emphasis on cases and appeals involving court-awarded attorneys'
 9 fees. I have lectured and written extensively on court-awarded attorneys' fees. I have
 10 been a member of the California State Bar's Attorneys' Fees Task Force and have
 11 testified before the State Bar Board of Governors and the California Legislature on
 12 attorneys' fee issues. I am the author of California Attorney Fee Awards (3d ed Cal.
 13 CEB 2010) and its 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and March
 14 2019 Supplements. I also was the author of California Attorney Fee Awards, 2d Ed.
 15 (Calif Cont. Ed. of Bar 1994), and its 1995, 1996, 1997, 1998, 1999, 2000, 2001,
 16 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements. This treatise has been
 17 cited by the California appellate courts on more than 35 occasions. *See, e.g.,*
 18 *Graham v. DaimlerChrysler Corp.*, 34 Cal.4th 553, 576, 584 (2004); *Lolley v.*
 19 *Campbell*, 28 Cal.4th 367, 373 (2002); *Equilon Enters. v. Consumer Cause, Inc.*, 29
 20 Cal.4th 53, 62 (2002); *In re Conservatorship of Whitley*, 50 Cal.4th 1206, 1214-
 21 15, 1217 (2010); *Chodos v. Borman*, 227 Cal.App.4th 76, 100 fn. 12 (2014);
 22 *Chacon v. Litke*, 181 Cal.App.4th 1234, 1259 (2010); *Syers Properties Ill, Inc. v.*
 23 *Rankin*, 226 Cal.App.4th 691, 698, 700 (2014). Federal courts also have cited it.
 24 *See In re Hurtado*, Case No. 09-16160-A-13, 2015 WL 6941127 (E.D. Cal. Nov. 6,
 25 2015); *TruGreen Companies LLC v. Mower Brothers, Inc.*, 953 F. Supp. 2d 1223,
 26 1236 nn.50, 51 (D. Utah 2013). I also authored the 1984, 1985, 1987, 1988, 1990,
 27 1991, 1992, and 1993 Supplements to its predecessor, CEB's California
 28

1 Attorney's Fees Award Practice. In addition, I authored a federal manual on
2 attorneys' fees entitled "Attorneys' Fees: A Legal Services Practice Manual,"
3 published by the Legal Services Corporation. I also co-authored the chapter on
4 "Attorney Fees" in Volume 2 of CEB's Wrongful Employment Termination
5 Practice, 2d Ed. (1997).

6 5. More than 95% of my practice is devoted to issues involving court-
7 awarded attorney's fees. I have been counsel in over 200 attorneys' fee applications
8 in state and federal courts, primarily representing other attorneys. I also have briefed
9 and argued more than 40 appeals, at least 30 of which have involved attorneys' fees
10 issues. I have successfully handled five cases in the California Supreme Court
11 involving court-awarded attorneys' fees: (1) *Maria P. v. Riles*, 43 Cal. 3d 1281
12 (1987), which upheld a C.C.P. section 1021.5 fee award based on a preliminary
13 injunction obtained against the State Superintendent of Education, despite the fact
14 that the case ultimately was dismissed under C.C.P. section 583; (2) *Delaney v.*
15 *Baker*, 20 Cal. 4th 23 (1999), which held that heightened remedies, including
16 attorneys' fees, are available in suits against nursing homes under California's Elder
17 Abuse Act; (3) *Ketchum v. Moses*, 24 Cal. 4th 1122 (2001), which held, *inter alia*,
18 that contingent risk multipliers remain available under California attorney fee law,
19 despite the United States Supreme Court's contrary ruling on federal law (note that
20 in *Ketchum*, I was primary appellate counsel in the Court of Appeal and "second
21 chair" in the Supreme Court); (4) *Flannery v. Prentice*, 26 Cal. 4th 572 (2001),
22 which held, again despite an adverse United States Supreme Court ruling under
23 federal law that, in the absence of an agreement to the contrary, statutory attorneys'
24 fees belong to the attorney whose services they are based upon; and (5) *Graham v.*
25 *DaimlerChrysler Corp.*, 34 Cal. 4th 553 (2004), which held, *inter alia*, that the
26 catalyst theory of fee recovery remained valid under California law despite adverse
27 federal law and that lodestar multipliers could be applied to fee motion work. In
28

1 that case, I represented trial counsel in both the Court of Appeal (twice) and
 2 Supreme Court, as well as on remand in the trial court. I also represented and
 3 argued on behalf of *amicus curiae* in *Conservatorship of McQueen*, 59 Cal. 4th 602
 4 (2014), which held that statutory attorneys' fees for appellate work were not
 5 considered "enforcement fees" subject to California's Enforcement of Judgments
 6 law; I presented the argument relied upon by the Court. Along with Richard
 7 Rothschild of the Western Center on Law and Poverty, I also prepared and filed an
 8 *amicus curiae* brief in *Vasquez v. State of California*, 45 Cal.4th 243 (2009). I also
 9 have handled numerous other appeals, including: *Davis v. City & County of San*
 10 *Francisco*, 976 F.2d 1536 (9th Cir. 1992); *Mangold v. CPUC*, 67 F.3d 1470 (9th
 11 Cir. 1995); *Velez v. Wynne*, 2007 U.S. App. LEXIS 2194 (9th Cir. 2007); *Camacho*
 12 *v. Bridgeport Financial, Inc.*, 523 F.3d 973 (9th Cir. 2008); *Center for Biological*
 13 *Diversity v. County of San Bernardino*, 185 Cal.App.4th 866 (2010); and
 14 *Environmental Protection Information Center v. California Dept. of Forestry &*
 15 *Fire Protection et al*, 190 Cal.App.4th 217 (2010); and *Heron Bay Home Owners*
 16 *Association v. City of San Leandro*, 19 Cal. App. 5th 376 (2018). For an expanded
 17 list of my reported decisions, see Exhibit A.

18 6. I have been retained by various governmental entities, including the
 19 California Attorney General's office, at my then current rates to consult with them
 20 regarding their affirmative attorney fee claims.

21 7. I am frequently called upon to opine about the reasonableness of
 22 attorneys' fees, and numerous state and federal courts have relied on my testimony
 23 on those issues.

24 8. The following California appellate cases have referenced my testimony
 25 favorably:

- 26 • *Kerkeles v. City of San Jose*, 243 Cal.App.4th 88 (2015);
- 27 • *People v. Native Wholesale Supply Co.*, 37 Cal.App.5th 73 (2019) (in
 28 unpublished section);

- 1 • *Habitat and Watershed Caretakers v. City of Santa Cruz*, 2015 Cal.
App. Unpub. LEXIS 7156 (2015);
- 2 • *Laffitte v. Robert Half Int'l Inc.*, 231 Cal.App.4th 860 (2014), *aff'd*
3 (2016) 1 Cal.5th 480;
- 4 • *In re Tobacco Cases I*, 216 Cal.App.4th 570 (2013);
- 5 • *Heritage Pacific Financial, LLC v. Monroy*, 215 Cal.App.4th 972
6 (2013);
- 7 • *Wilkinson v. South City Ford*, 2010 Cal. App. Unpub. LEXIS 8680
8 (2010);
- 9 • *Children's Hospital & Medical Center v. Bonta*, 97 Cal.App.4th 740
10 (2002);
- 11 • *Church of Scientology v. Wollersheim*, 42 Cal.App.4th 628 (1996).

12 9. The following federal cases also have referenced my testimony
13 favorably:

- 14 • *Ridgeway v. Wal-Mart Stores, Inc.*, 269 F. Supp. 3d 975 (N.D. Cal.
15 2017);
- 16 • *Antoninetti v. Chipotle Mexican Grill, Inc.*, No. 08-55867 (9th Cir.
17 2012), Order filed Dec. 26, 2012, at 6;
- 18 • *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir.
19 2010) (the expert declaration referred to is mine);
- 20 • *Beaver v. Tarsadia Hotels*, 2017 U.S.Dist.LEXIS 160214 (S.D. Cal.
21 2017)
- 22 • *Notter v. City of Pleasant Hill*, 2017 U.S.Dist.LEXIS 197404, 2017
23 WL 5972698 (N.D. Cal. 2017);
- 24 • *Villalpondo v. Exel Direct, Inc.*, 2016 WL 1598663 (N.D. Cal. 2016);
- 25 • *State Compensation Insurance Fund v. Khan et al*, Case No. SACV 12-
26 01072-CJC (JCGx) (C.D. Cal.), Order Granting in Part and Denying in
27

1 Part the Zaks Defendants' Motion for Attorneys' Fees, filed July 6,
2 2016 (Dkt. No. 408);

- 3 • *In re Cathode Ray Tube Antitrust Litig.*, Master File No. 3:07-cv-5944
4 JST, MDL No. 1917 (N.D. Cal. 2016) 2016 U.S. Dist. LEXIS 24951
5 (Report And Recommendation Of Special Master Re Motions (1) To
6 Approve Indirect Purchaser Plaintiffs' Settlements With the Phillips,
7 Panasonic, Hitachi, Toshiba, Samsung SDI, Technicolor, And
8 Technologies Displays Americas Defendants, and (2) For Award Of
9 Attorneys' Fees, Reimbursement Of Litigation Expenses, And
10 Incentive Awards To Class Representative, Dkt. 4351, dated January
11 28, 2016, *adopted in relevant part*, 2016 U.S. Dist. LEXIS 88665;
- 12 • *Gutierrez v. Wells Fargo Bank*, 2015 U.S. Dist. LEXIS 67298 (N.D.
13 Cal. 2015);
- 14 • *Holman v. Experian Information Solutions, Inc.*, 2014 U.S. Dist.
15 LEXIS 173698 13 (N.D. Cal. 2014);
- 16 • *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-1827 SI, MDL
17 No. 1827 (N.D. Cal.), Report and Recommendation of Special Master
18 Re Motions for Attorneys' Fees and Other Amounts by Indirect-
19 Purchaser Class Plaintiffs And State Attorneys General, Dkt. 7127,
20 filed Nov. 9, 2012, *adopted in relevant part*, 2013 U.S. Dist. LEXIS
21 49885 (N.D. Cal. 2013) ("*TFT-LCD (Flat Panel) Report &*
22 *Recommendation*");
- 23 • *Walsh v. Kindred Healthcare*, 2013 U.S. Dist. LEXIS 176319 (N.D.
24 Cal. 2013);
- 25 • *A.D. v. California Highway Patrol*, 2009 U.S. Dist. LEXIS 110743, at
26 *4 (N.D. Cal. 2009), *rev'd on other grounds*, 712 F.3d 446 (9th Cir.
27 2013), *reaffirmed and additional fees awarded on remand*, 2013 U.S.
28 Dist. LEXIS 169275 (N.D. Cal. 2013);
- *Hajro v. United States Citizenship & Immigration Service*, 900 F. Supp.
2d 1034, 1054 (N.D. Cal 2012);

- 1 • *Garcia v. Resurgent Capital Servs.*, 2012 U.S. Dist. LEXIS 123889
(N.D. Cal. 2012);
- 2
- 3 • *Rosenfeld v. United States Dep't of Justice*, 904 F. Supp. 2d 988, 1002
(N.D. Cal. 2012);
- 4
- 5 • *Stonebrae, L.P. v. Toll Bros., Inc.*, 2011 U.S. Dist. LEXIS 39832, at *9
(N.D. Cal. 2011) (thorough discussion), *aff'd* 2013 U.S. App. LEXIS
6 6369 (9th Cir. 2013);
- 7 • *Armstrong v. Brown*, 2011 U.S. Dist. LEXIS 87428 (N.D. Cal. 2011);
- 8 • *Lira v. Cate*, 2010 WL 727979 (N.D. Cal. 2010);
- 9
- 10 • *Californians for Disability Rights, Inc. v. California Dep't of*
11 *Transportation*, 2010 U.S. Dist. LEXIS 141030 (N.D. Cal. 2010);
- 12 • *Nat'l Federation of the Blind v. Target Corp.*, 2009 U.S. Dist. LEXIS
13 67139 (N.D. Cal. 2009);
- 14 • *Prison Legal News v. Schwarzenegger*, 561 F.Supp.2d 1095 (N.D. Cal.
15 2008) (an earlier motion);
- 16 • *Bancroft v. Trizechahn Corp.*, No. CV 02-2373 SVW (FMOx), Order
17 Granting Plaintiffs Reasonable Attorneys' Fees and Costs In the
18 Amount of \$168,886.76, Dkt. 278 (C.D. Cal. Aug. 14, 2006);
- 19 • *Willoughby v. DT Credit Corp.*, No. CV 05-05907 MMM (CWx),
20 Order Awarding Attorneys' Fees After Remand, Dkt. 65 (C.D. Cal.
21 July 17, 2006);
- 22 • *Oberfelder v. City of Petaluma*, 2002 U.S. Dist. LEXIS 8635 (N.D.
23 Cal. 2002), *aff'd* 2003 U.S. App. LEXIS 11371 (9th Cir. 2003).

24 10. In addition, countless trial courts and arbitrators have relied on my
25 testimony, including several awards in the Los Angeles area. In particular, I testified
26 before a jury as Beats/Apple's expert on attorneys' fees in *Monster, LLC, et al., v.*
27 *Beats Electronics, LLC et al.*, Los Angeles Superior Court Case No. BC595235
28 (2017), a commercial dispute, in which, based in part on my live testimony, a jury

1 awarded Beats the entire \$11,578,265.49 attorneys' fees and expenses claimed for
 2 work on the merits. See also *Kaku v. City of Santa Clara*, Santa Clara Superior
 3 Court No. 17CV319862, Fee Order filed January 22, 2019, reported at 2019 WL
 4 331053 (Cal.Super. 2019).

5 **Counsel's Requested Hourly Rates Are Reasonable.**

6 11. Through my writing and practice, I have become familiar with the non-
 7 contingent market rates charged by attorneys in California and elsewhere. I have
 8 obtained this familiarity in several ways: (1) by handling attorneys' fee litigation;
 9 (2) by discussing fees with other attorneys; (3) by obtaining declarations regarding
 10 prevailing market rates in cases in which I represent attorneys seeking fees; and (4)
 11 by reviewing attorneys' fee applications and awards in other cases, as well as
 12 surveys and articles on attorney's fees in the legal newspapers and treatises.

13 12. In this case, I have consulted with Plaintiffs' counsel regarding their fee
 14 application for their work in this matter. I also am quite familiar with the work
 15 performed by Mr. Litt, Ms. Sobel, and Mr. Hoffman over the past several years, and
 16 know that their experience, expertise, skill and reputation are of the highest caliber.

17 13. It is my understanding that Plaintiffs' counsel are claiming the
 18 following hourly rates for billers with the noted legal experience:

19 NAME	GRAD YR	RATE
20 Barrett S. Litt	1969 (50)	\$1200
21 Carol Sobel	1978 (41)	\$1000
22 Paul Hoffman	1974 (43)	\$1050
23 Catherine Sweetser	2010 (09)	\$650
24 Colleen Flynn	2004 (15)	\$725
25 Colleen Mullen	2014 (05)	\$500
26 Matthew Strugar	2004 (15)	\$725
27 Rachel Steinback	2008 (11)	\$675
28 Monique Alarcon ^[1]	2016 (03)	\$420

NAME	GRAD YR	RATE
Monique Alarcon	Law Clerk	\$200
Julia White	Sr. Paralegal	\$335
Weston Rowland	Law Clerk	

13. In my opinion, these rates are entirely reasonable. Under California law, successful attorneys are entitled to their requested rates if those rates are “within the range of reasonable rates charged by and judicially awarded comparable attorneys for comparable work” in the applicable community. *Children’s Hosp. & Med. Ctr. v. Bonta*, 97 Cal.App.4th 740, 783 (2002). Based on the information regarding hourly rates that I have gathered, some of which is summarized below, I am of the opinion that counsel’s requested hourly rates are well within the range of non-contingent market rates charged for reasonably similar services by Los Angeles Area attorneys of reasonably similar qualifications and experience. The following data support my opinion:

Rates Found Reasonable in Other Cases

14. The hourly rate requested by Plaintiffs’ counsel are well within the range of the Los Angeles area rates found reasonable by various local courts for reasonably comparable services:

- In *Wishtoyo Foundation et al v. United Water Conservation Dist.*, 2019 U.S.Dist.LEXIS 39927 (C.D. Cal. 2019), an environmental action under the federal Endangered Species Act, the court found, *inter alia*, that in 2018, \$840 per hour was reasonable rate for a 1986 Bar Admittee.

- In *Monster, LLC, et al., v. Beats Electronics, LLC et al.*, Los Angeles Superior Court Case No. BC595235 (2017), Order Granting Defendant and Cross-Complainant Beats Electronics, LLC’s Motion for Attorneys’ Fees and Costs, filed June 27, 2018, a commercial dispute, the court found the following hourly rates reasonable for Beats’ attorneys’ work on the successful jury trial that determined the

amount of reasonable attorneys' fees Monster would be required to pay as damages:

Boies, Schiller & Flexner	Bar Admittance or Law School Graduation	2016/2017 Rates
Partners:	1986	\$960/\$1,049
	2006	\$920/\$972
	2000	\$880
	2001	\$880
	2002	\$830
	1999	\$830
	2004	\$740 (2015); \$760 (2016)
	2006	\$680
	2007	\$650/\$714
	2009	\$600/\$800
Associates:	2004	\$680
	2009	\$610
	2013	\$460/\$533
	2013	\$490
	2010	\$630
	2011	\$480/\$602
	2014-2015	\$420
Non-Attorneys Timekeepers:		\$190-284

<u>Gibson Dunn & Crutcher</u>	Bar Admittance or Law School Graduation	2017 Rates
	1987	\$852 (through Aug. 2017) \$956 (from Sept. 2017)
	2008	\$592 (through Aug. 2017) \$696 (from Sept. 2017)
	2013	\$404 (through Aug. 2017) \$600 (from Sept. 2017)
	2015	\$520
	2016	\$472
	1997	\$960
	2006	\$736
	1987	\$944
Non-Attorneys Timekeepers:		\$216-\$335

• In *Nozzi v. Housing Authority*, 2018 U.S.Dist.LEXIS 26049 (C.D. Cal. 2018), a tenant class action, the court approved the following hourly rates as reasonable:

Kaye McLane Bednarski & Litt	Bar Admittance or Law School Graduation	2017 Rates
	1969	\$1,150
	1992	\$750
	1993	\$765
	2008	\$730
	Sr. Paralegal	\$335
	Jr. Paralegal	\$150
	Law Clerk	\$200

Public Counsel	Bar Admittance or Law School Graduation	2017 Rates
	1989	\$850
	1988	\$850
	1994	\$750
	1992	\$765
	2004	\$640
	2010	\$540

• In *Monster, LLC, et al., v. Beats Electronics, LLC et al.*, Los Angeles Superior Court Case No. BC595235, Order Granting Motions for Attorneys' Fees, filed October 12, 2017, the same *Monster* commercial dispute listed above, the court found the following 2017 rates to be reasonable for Beats's co-defendants who had won on summary judgment:

	Bar Admittance or Law School Graduation	2016 Rates (unless otherwise noted)
Partners:	1966	\$1,000 (2015); 1,245 (2016)
	1977	\$1,110 (2015)
	1981	\$910
	1985	\$995
	1992	\$875-885
	1995	\$910
	2002	\$750
Of Counsel:	1976	\$705
Associates:	2009	\$615 (2015); \$660 (2016)
Non-Attorneys Timekeepers:		\$380-90

• In *The Kennedy Commission v. City of Huntington Beach*, Los Angeles County Superior Court No. 30-2015-00801675, Order Granting Petitioners' Motion for Attorneys' Fees Pursuant to California Code of Civil Procedure § 1021.5, filed July 13, 2016, a writ of mandate action challenging a land use amendment adopted by the City of Huntington Beach, the court found the following hourly rates reasonable for the Plaintiffs' private *pro bono* law firm (prior to application of a 1.4 multiplier)²:

2016 Rates:	Bar Admission	Rates
	2001	\$900
	2014	\$450
2015 Rates:	Bar Admission	Rates
	2001	\$875
	2014	\$400

• In *Willits et al v. City of Los Angeles*, No. CV 10-5782 CCBM (RZx) (C.D. Cal.), Order Granting Motion for Attorneys' Fees and Costs, filed August 25, 2016 (Dkt. No. 418), a class action lawsuit against the City of Los Angeles under the Americans with Disabilities Act and the Rehabilitation Act of 1973 challenging the inaccessibility of the City's sidewalks, the court found the following 2015 hourly rates reasonable:

Law School	Rates
1976	\$1,115.60
1977 (associate)	700

² The *Kennedy Commission* fee award was remanded in conjunction with the reversal of the merits. 2017 Cal.App.Unpub.Lexis 7488 (2017).

1	1981	795
2	1987	680-775
3	1993	750
4	1999	644-695
5	2001	625
6	2003	550
7	2006	525 —
8	2007	450
9	2008	473
10	2009	450
11	2010	350-400
12	2011	300-385
13	2012	300
14	2013	300-325
15	Paralegals and Law	110-250
16	Case Assistants	220-230
17	Docket Clerk	230

18
19 • In *State Compensation Insurance Fund v. Khan et al*, Case No. SACV
20 12-01072-CJC(JCGx) (C.D. Cal.), Order Granting in Part and Denying in Part the
21 Zaks Defendants' Motion for Attorneys' Fees, filed July 6, 2016 (Dkt. No. 408), a
22 multi-defendant RICO action, the court found the following hourly rates reasonable:

23	Years of Experience	Rates
24	22	\$890
25	20	\$840
26	5	\$670
27	4	\$560

Paralegals	\$325-340
Case Assistants	\$220-230
Docket Clerk	\$230

• In *ScriptsAmerica, Inc. Ironridge Global LLC et al*, Case No. CV 14-03962-SJO (AGRx) (C.D. Cal.), Order Granting Defendant Ironridge Global LLC, John Kirkland, Brendan O'Neill's Motion for Attorney's Fees, filed January 12, 2016 (Dkt. No. 50), a contract dispute, the court found the following 2015 hourly rates reasonable:

Years of Experience	Rates
37	\$950
11	\$700
4	\$450
Paralegals	\$200-350

• In *Perfect 10, Inc. v. Giganews, Inc.*, 2015 U.S. Dist. LEXIS 54063 (C.D. Cal. 2015), filed March 24, 2015, *affirmed* 847 F.3d 657 (9th Cir. 2017), a copyright infringement action, the court found the following 2015 hourly rates reasonable:

Years of Experience	2015 Rate
29	\$825-930
18	\$750
17	\$705-750
12	\$610-640
11	\$660-690
10	670
9	660-690

8	470-525
7	640
5	375-560
4	350-410
3	505
2	450
1	360-370
Paralegals	240-345
Discovery Support	245-290

• In *Rodriguez v. County of Los Angeles*, 96 F.Supp.3d 990 (C.D. Cal. 2014), Order Granting Plaintiffs' Motion for Attorneys' Fees, filed December 29, 2014, *aff'd* 891 F.3d 779 (9th Cir. 2018), a civil rights action on behalf of five county jail prisoners, the district court found the following 2014 hourly rates reasonable, plus a 2.0 lodestar multiplier for merits work performed on the plaintiffs' California cause of action; the entire award was affirmed on appeal:

Years of Experience	Rate
45	\$975
28	700-775
26	775
10	600
6	500
Senior Paralegal	295
Other Paralegals	175-235
Law Clerk	250

1 15. My opinion also is based on the 27 fee awards set forth in paragraph 10
2 (pp. 6 – 18) of my April 23, 2015 declaration (Exh. D) (Dkt. 427-2), which support
3 the rates being used by Plaintiffs' counsel here.

4 **Rate Information from Surveys**

5 16. I also base my opinion on several credible surveys of legal rates, including
6 the following:

- 7 • In December 2015, Thomson Reuters published its Legal Billing
8 Report, Volume 17, Number 3. A true and correct copy of the pages of
9 that report listing California and West Region firms is attached to
10 hereto as Exhibit B. It shows that the requested rates are well within the
11 range of rates charged by Los Angeles area law firms for reasonably
12 comparable work.
- 13 • In an article entitled "On Sale: The \$1,150-Per Hour Lawyer," written
14 by Jennifer Smith and published in the Wall Street Journal on April 9,
15 2013, the author describes as long as six years ago the rapidly growing
16 number of lawyers billing at \$1,150 or more revealed in public filings
17 and major surveys. A true and correct copy of that article is attached
18 hereto as Exhibit C. The article also notes that in the first quarter of
19 2013, the 50 top-grossing law firms billed their partners at an average
20 rate between \$879 and \$882 per hour. This average would include
21 attorneys in the 8-10 year span since that is the time those who are
22 going to make partner normally do so, suggesting that the more
23 experienced attorneys are frequently billing over \$1000.

24 **Hourly Rates Charged by Other Law Firms**

25
26 17. Plaintiffs' counsel's hourly rates also are well within the range of the
27 standard hourly non-contingent rates for comparable civil litigation stated in court
28

filings, depositions, surveys, or other reliable sources by numerous California law firms that have offices in or regularly practice in the Los Angeles area.³ These rates include, in alphabetical order:

Altshuler Berzon LLP

2018 Rates	Graduation Year	Rate
	1968-1983	\$940
	1985	920
	1989	900
	1991	885
	1992	875
	1994	835
	1998	795
	2000	740
	2001	725
	2008	540
	2009	515
	2010	485
	2012	435
	2013	415
	2014	390
	2015	365
	Law Clerks	285
	Paralegals	250
2017 Rates:	Years of Experience/Level	Rates
	Senior Partners	\$930
	Junior Partners (1991-2001)	\$875-690
	Associates (2008-2013)	\$510-365
	Paralegals	\$250
2015 Rates:	Years of Experience/Level	Rates
	32	\$895
	Junior Partners	\$825-630
	Associates	\$450-340
	Paralegals	\$250
2014 Rates:	Years of Experience	Rates
	38	\$895
	Paralegals	\$215

³ Although some of these firms are based in Northern California, these firms regularly practice in the Los Angeles area, and the fact is that hourly rates charged in the Los Angeles area are generally higher than Northern California rates. Accordingly, if rates are reasonable by Northern California standards, they also are reasonable as Los Angeles area rates.

Arnold Porter LLP

2015 Rates:	Level	Rates
	Partners	Up to \$1,085
	Associates	Up to \$710
2014 Rates:	Years of Experience	Rates
	49	\$995
	45	\$720
	39	\$655
2013 Rates:	Level	Rates
	Average Partner	\$815
	Highest Partner	\$950
	Lowest Partner	\$670
	Average Associate	\$500
	Highest Associate	\$610
	Lowest Associate	\$345

The Arns Law Firm LLP

2014 Rates:	Years of Experience	Rates
	37	\$950
	Law Clerks	\$165

Cooley LLP

2017 Rates:	Years of Experience	Rates
	22	\$905
2014 Rates:	Years of Experience	Rates
	31	\$1,095
	17	\$770
	9	\$685
2013 Rates:	Years of Experience	Rates
	30	\$1,035
	16	\$710
	8	\$645

Duane Morris LLP

2018 Rates:	Bar Admission Year	Rates
	1973	\$1,005
	2008	\$605
	2011	\$450
	2017	\$355
	Sr. Paralegal	\$395
2016 Rates:	Years of Experience	Rates
	43	\$880
	41	\$880
	26	\$720
	25	\$695

Hadsell, Stormer, Richardson & Renick

2015 Rates:	Years of Experience/Level	Rates
	42	\$1,050
	20	\$750
	26	\$700
	16	\$650
	13	\$600
	5	\$425
	4	\$375
	Law Clerks	\$225
2012 Rates:	Paralegals	\$175-250
	Years of Experience	Rates
	38	\$825
	33	\$775
	22-23	\$625
	17	\$600
	12	\$525
	10	\$425
	4	\$275
	3	\$250

Hausfeld LLP

2014 Rates:	Years of Experience	Rates
	45	\$985
	37	\$935-895
	15	\$610-510
	14	\$600
	7	\$490
	3	\$370
	Paralegals	\$300-320
	Law Clerks	\$325

Hooper, Lundy & Bookman

2019 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$965
	1979	\$1,025
	2007	\$815
	2011	\$800
	2015	\$640
	2016	\$600
	2019	\$440
2018 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$930
	1979	\$995

	2015	\$570
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Jones Day

2016 Rates:	Bar Admission Year	Rates
	2001	\$900
	2014	\$450
2015 Rates:	Bar Admission Year	Rates
	2001	\$875
	2014	\$400

Kirkland & Ellis

2017 Rates:	Years of Experience	Rates
	20	\$1,165
	9	\$995
	8	\$965
	5	\$845
	4	\$845
	3	\$810
	2	\$555

Latham & Watkins

2016 Rates:	Average Partner	\$1,185.83
	Highest Partner	\$1,595
	Lowest Partner	\$915
	Average Associate	\$754.62
	Highest Associate	\$1,205
	Lowest Associate	\$395

Lieff Cabraser Heimann & Bernstein, LLP

2015 Rates:	Year of Bar Admission	Rates
	1972	\$975
	1989	\$850
	2001	\$625
	2006	\$435
	2009	\$435
2014 Rates:	Year of Bar Admission	Rates
	1998	\$825
	2001	\$600
	2006	\$435
	2009	\$415
	2013	\$325
2013 Rates:	Paralegal/Clerk	\$305
	Year of Bar Admission	Rates
	1975	\$925

	1998	\$800
	2001	\$525
	2003	\$490
	2006	\$415
	2009	\$395
	2013	\$320
	Paralegal/Clerk	\$285

Michelman & Robinson LLP

2018 Rates:	Bar Admission Date	Rates
	Partners	\$995
	Senior Associate	\$580
	Associate	\$480

Milbank, Tweed, Handley & McCloy LLP

2016 Rates:	Bar Admission Date	Rates
	1983	\$1,025
	1984	\$1,350
	1992	\$1,350
	2002 (associate)	\$915

Morrison Foerster LLP

2018 Rates:	Years of Practice	Rates
	40	\$1,050
	22	\$950
	11	\$875
	3	\$550
	Paralegal	\$325
2017 Rates:	Bar Admission Date:	Rates
	2007	\$608
	2012	\$575
2016 Rates:	Bar Admission Date	Rates
	1975	\$1,025
	1999	\$975
	1993	\$975
2013 Rates:	Level	Rates
	Average Partner	\$865
	Highest Partner	\$1,195
	Lowest Partner	\$595
	Average Associate	\$525
	Highest Associate	\$725
	Lowest Associate	\$230

Munger, Tolls & Olson

2016 Rates (unless otherwise noted):	Bar Admittance or Law School Graduation	Rates
Partners:	1966	\$1,000 (2015); 1,245 (2016)
	1977	\$1,110 (2015)
	1981	\$910
	1985	\$995
	1992	\$875-885
	1995	\$910
	2002	\$750
Of Counsel:	1976	\$705
Associates:	2009	\$615 (2015); \$660 (2016)
Non-Attorneys Timekeepers:		\$380-90

O'Melveny & Myers

2019 Rates:	Level	Rate
	Senior Partner	\$1,250
	Partner (1998 Bar Admittee)	\$1,050
	3 rd Year Associate	\$640
	2 nd Year Associate	\$565
2016 Rates:	Bar Admission Date	Rates
	1985	\$1,175
	2004	\$895
	2005	\$780
	2007	\$775
	2010	\$725
	2011	\$700
	2012	\$655
	2013	\$585
	2014	\$515
	2015	\$435
2013 Rates:	Level	Rates
	Average Partner	\$715
	Highest Partner	\$950
	Lowest Partner	\$615

Orrick Herrington & Sutcliffe

2014 Rates:	Level	Rates
	Average Partner	\$845
	Highest Partner	\$1,095
	Lowest Partner	\$715
	Average Associate	\$560
	Highest Associate	\$710
	Lowest Associate	\$375

Paul Hastings LLP

2016 Rates:	Bar Admission Date	Rates
	1973	\$1,175
	1997	\$895
	1990	\$750
2014 Rates:	Level	Rates
	Average Partner	\$815
	Highest Partner	\$900
	Lowest Partner	\$750
	Average Associate	\$540
	Highest Associate	\$755
	Lowest Associate	\$350

Pearson Simon & Warshaw LLP

2019 Rates:	Years of Experience	Rates
	23-38	\$1,150
	10	\$900
	Of Counsel	\$825
	6	\$500
	4	\$450
	Paralegals	\$225
2018 Rates:	22-37	\$1,050
	9	\$650
	Of Counsel	\$725
	5	\$450
	3	\$400
2017 Rates:	35-36	\$1,035
	8	\$520
	4	\$400
	2	\$350

Proskauer Rose LLP

2016 Rates:	Bar Admission Date	Rates
	1974	\$1,475
	1983	\$1,025
	1979	\$950
	2007	\$850
	2013	\$495
	2015	\$440-445

Quinn Emanuel Urquhart & Sullivan

2013 Rates:	Level	Rates
	Average Partner	\$915
	Highest Partner	\$1,075

	Lowest Partner	\$810
	Average Associate	\$410
	Highest Associate	\$675
	Lowest Associate	\$320

Reed Smith LLP

2014 Rates:	Years of Experience	Rates
	37	\$830
	18	\$695
	15	\$585
	6	\$485
	5	\$435
2013 Rates:	Years of Experience	Rates
	Partner	
	36	\$830
	30	\$805
	17	\$610-615
	14	\$570
	Associates	
	8	\$450-535
	6	\$495

Ropes & Gray

2016 Rates:	Level	Rates
	Partner	\$880-1,450
	Counsel	\$605-1,425
	Associate	\$460-1050
	Paralegals	\$160-415

Skadden, Arps, Slate, Meagher & Flom

2013 Rates:	Level	Rates
	Average Partner	\$1,035
	Highest Partner	\$1,150
	Lowest Partner	\$845
	Average Associate	\$620
	Highest Associate	\$845
	Lowest Associate	\$340

Wilson Sonsini Goodrich & Rosati PC

2017 Rates:	Bar Admission Date	Rates
	2000	\$950

Winston & Strawn		
2019 Rates:		Rates
	Partners:	

		\$1,515
		\$1,245
		\$1,105
		\$1,025
	Associates:	
		\$825
		\$660
		\$615
2018 Rates:		
	Partners:	
		\$1,445
		\$1,185
		\$1,050
		\$820
	Associates:	
		\$765
		\$585
	Paralegals:	\$170-340
	Litigation Support Mgr.	\$275
	Review Attorneys	\$85
2017 Rates:		
	Partners:	
		\$1,365
		\$1,120
		\$990
	Associates:	
		\$760
		\$690
		\$645
		\$520
		\$495
	Paralegals:	\$165-295
2016 Rates:		
	Partners:	
		\$1,290
		\$1,095
		\$965
		\$960
		\$885
	Associates:	
		\$715
		\$615
		\$575
		\$470
	Paralegals:	\$170-280
	Litigation Support Mgr.:	\$250
2015 Rates:		
	Partners:	
		\$1,225
		\$1,000
		\$910
		\$820
	Associates:	
		\$680
		\$555

		\$515
		\$480
		\$450
	Review Attorneys:	\$85-95
	Paralegals:	\$90-265
	Litigation Support Mgr.	\$250

18. The hourly rates set forth above are those charged where full payment is expected promptly upon the rendition of the billing and without consideration of factors other than hours and rates. If any substantial part of the payment were to be contingent or deferred for any substantial period of time, for example, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

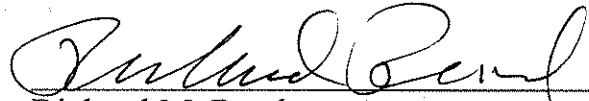
19. I recognize that the three highest billing attorneys here all bill \$1000 or more per hour, placing them at the high end of billing rates (although there are many attorneys who bill more). I am quite familiar with civil rights litigation, having been involved in numerous attorney fee applications in such case, both as an advocate and an expert. As such, I am aware, as I stated in paragraph 12, of the reputation and experience of Mr. Litt, Ms. Sobel and Mr. Hoffman for handling complex civil rights litigation, including complex civil rights class actions. There is little question that they are considered among the top civil rights practitioners in California or that the civil rights class actions of the type that they handle qualify as complex litigation. *See, e.g., City of Riverside v. Rivera*, 477 U.S. 561, 575-576, 106 S.Ct. 2686 (1986) (“Congress intended civil rights fees to be comparable to that for ‘other types of equally complex Federal litigation, such as antitrust cases’”).

18. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney’s rate at the time a motion for fees is made, rather than the historical rate at the same time the work was performed. This is a common and accepted practice to compensate attorneys for the delay in being paid. *See, e.g., Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 453 (9th Cir. 2010); *Graham v. DaimlerChrysler, Inc.* 34 Cal.4th 553, 583 (2004); *Robles v. Emp. Dev. Dept.*, 38

1 Cal.App.5th 191, 205 (2019).

2 I declare under penalty of perjury under the laws of the United States that the
3 foregoing facts are true and correct.

4 Executed on November 6th, 2019 at Berkeley, California.

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